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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,244

09/19/2005

Sven Mattisson

P17044-US1

6877

27045 7590 02/06/2007

ERICSSON INC.  
6300 LEGACY DRIVE  
M/S EVR 1-C-11  
PLANO, TX 75024

EXAMINER

CHANG, JOSEPH

ART UNIT

PAPER NUMBER

2817

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/526,244

Applicant(s)

MATTISSON, SVEN

Examiner

Joseph Chang

Art Unit

2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) 6, 8-10, 14-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 6,8-10 and 14-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/19/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 6, 8-10, and 14-18 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 6, 8-10, and 14-18. See MPEP § 608.01(n). Accordingly, the claims 6, 8-10, and 14-18 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-5, 7, and 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "a resonator element" in line 25. It is unclear whether "a resonator element" is another element in the circuit or not. If so, drawings do not support the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, and 5 are rejected under 35 U.S.C. 102(a) as being anticipated by Midtgaard, US Pub 2002/0093389.

Regarding claims 1, 3 and 5, Midtgaard discloses a balanced crystal oscillator circuit (figures 1-4) comprising:

a piezoelectric element (7), a first oscillator sub-circuit (left half) incorporating a transistor(10), and a second oscillator sub-circuit (right half) incorporating a transistor (11); wherein the transistors each have different types of transistor terminals (collector, base, emitter), and wherein the oscillator sub-circuits are configured with at least three interconnections;

**CHARACTERIZED IN THAT**

each interconnection comprises a pair of like type of transistor terminals; wherein a first of said interconnections constitutes a connection to a ground reference (base and ground); a second of said interconnections is via a first resonator element (collectors of 10, 11 and crystal 7); and a third of said interconnections is via a second resonator

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element (emitters of transistors and capacitors 14, 15, said first and second circuits are arranged to interact by means of said first and second resonator elements to form a balanced oscillator signal (page 3, paragraphs [0039]-[0052]).

Regarding claim 2, Figure 1 shows collectors of transistors 10, 11 are connected via crystal 7.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 7, 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Midtgaard.

Regarding claims 5, 7, 12 and 13, as noted above, Midtgaard discloses a balanced crystal oscillator circuit with a dual common-base transistor coupling. However, Midtgaard does not explicitly disclose the circuit with a dual common-collector or common-emitter transistor coupling. As would have been well known in the art, common-collector or common-emitter transistor coupling is well recognized for amplifier configuration based on a desired input and output impedance consideration. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the circuit to common-collector or common-emitter transistor coupling

because such a modification would have provided the benefit of its coupling characteristic based on a desired input and output impedance consideration.

Regarding claim 11, modification to a MOSFET would have been obvious to one of ordinary skill in the art based on a mere substitution of art recognized equivalent transistor.

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gomez discloses an oscillator with transistors including BJT and FET.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Chang whose telephone number is 571 272-1759. The examiner can normally be reached on Mon-Fri 0700-1730.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (571) 272-1769. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
JOSEPH CHANG  
PRIMARY EXAMINER